

1 BILAL A. ESSAYLI
United States Attorney
2 CHRISTINA T. SHAY
Assistant United States Attorney
3 Chief, Criminal Division
IAN V. YANNIELLO (Cal. Bar No. 265481)
4 GREGORY W. STAPLES (Cal. Bar No. 155505)
DANIEL H. WEINER (Cal. Bar No. 329025)
5 Assistant United States Attorneys
1400/1500 United States Courthouse
6 312 North Spring Street
Los Angeles, California 90012
7 Telephone: (213) 894-3667/3535/0813
Facsimile: (213) 894-0142
8 E-mail: ian.yanniello@usdoj.gov
greg.staples@usdoj.gov
9 daniel.weiner@usdoj.gov

10 Attorneys for Plaintiff
UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 DURK BANKS,
17 aka "Lil Durk,"
aka "Mustafa Abdul Malak,"
18 aka "Blood,"

19 Defendant.

No. CR 24-621(B)-MWF-6

GOVERNMENT'S OPPOSITION TO
DEFENDANT BANKS' APPLICATION FOR
REVIEW OF DETENTION ORDER

20
21 Plaintiff United States of America, by and through its counsel
22 of record, the United States Attorney for the Central District of
23 California and Assistant United States Attorneys Ian V. Yanniello,
24 Gregory W. Staples, and Daniel H. Weiner, hereby files its opposition
25 to defendant's Application for Review of the Detention Order.

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1 This filing is based upon the attached memorandum of points and
2 authorities, the previously filed Exhibit 1 and Exhibit 2 (under
3 seal) at Dkt. 105, the files and records in this case, and such
4 further evidence and argument as the Court may permit.

5 Dated: May 27, 2025

Respectfully submitted,

6 BILAL A. ESSAYLI
United States Attorney

7 CHRISTINA T. SHAY
8 Assistant United States Attorney
9 Chief, Criminal Division

10 /s/
11 IAN V. YANNIELLO
12 GREGORY W. STAPLES
DANIEL H. WEINER
Assistant United States Attorneys

13 Attorneys for Plaintiff
14 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant is charged with directing six hitmen to travel across the country to hunt and kill his rival, T.B. Defendant allegedly orchestrated and financed the murder plot that culminated with shooters opening fire --- including with a machinegun --- at T.B.'s vehicle while it was parked at a busy gas station in broad daylight. The co-conspirators missed T.B., but struck and killed S.R.

In an attempt to secure pretrial release, defendant has offered a small portion of his wealth, claiming that his money and a private security company hired and controlled *by defendant* will somehow ensure his compliance with the law and his bond conditions. The proposed terms are woefully inadequate to protect the community from harm and to mitigate defendant's risk of flight. Indeed, within hours of law enforcement arresting his co-conspirators, defendant booked multiple international flights in an apparent attempt to flee prosecution. (Dkt. 1 [Complaint] at 9-10.) Defendant has also repeatedly violated MDC rules, further showing he will not follow the rules set by this Court should it grant his release.

In short, defendant's proposed bond package makes clear defendant has access to vast resources, but his conduct in this case and others shows that he has and will use those resources to endanger the community, influence witnesses, and wield his power for violence. For example, an affidavit from a separate federal case in the Northern District of Illinois likewise alleged that defendant "offer[ed] money for people to kill those responsible for his brother's murder, and more specifically, offering to pay money for

1 any Gangster Disciple that is killed.” (Ex. 1 at 12.)¹ Evidence
2 collected in this case also shows defendant has allegedly placed
3 monetary bounties to solicit other murders, including a family member
4 of a witness. (See Ex. 2 [Under Seal] at 18-19.)

5 Defendant’s modus operandi is clear: he will use his power, his
6 money, his influence, and any pretrial release to endanger anyone who
7 he perceives as a threat, including witnesses in this case.
8 Defendant should remain detained pending trial.

9 **II. BACKGROUND**

10 **A. Defendant Is Charged With Directing and Financing S.R.’s**
11 **Murder**

12 The Second Superseding Indictment (“SSI”) charges defendant and
13 five co-conspirators with crimes arising from S.R.’s murder,
14 including Conspiracy to Commit Murder-for-Hire Resulting in Death, in
15 violation of 18 U.S.C. § 1958(a) (Count One); Murder-for-Hire
16 Resulting in Death, in violation of 18 U.S.C. § 1958(a) (Count Two);
17 Stalking Resulting in Death, in violation of 18 U.S.C.
18 §§ 2261A(2) (A), (B), 2261(b) (1) (Count Three), and Use, Carry, and
19 Discharge of Firearms and a Machinegun in Furtherance of a Crimes of
20 Violence (Count Four).

21 1. Defendant’s Control and Leadership of OTF

22 Defendant is the leader of a Chicago-based organization called
23 “Only the Family,” or OTF. (Dkt. 147 [SSI] at Introductory
24 Allegation ¶ 1.) The SSI alleges that in addition to producing hip
25 hop music, OTF is comprised of individuals who engaged in violence,
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27
28 ¹ Exhibit 1 and Exhibit 2 [filed under seal] were filed as
attachments to the government’s brief in support of detention filed
in December 2024. (See Dkt. 105.)

1 including murder and assault, at defendant's direction. (Id.) In
2 furtherance of his control of OTF and to exact revenge on his rivals,
3 defendant is alleged to have placed "bounties on individuals that he
4 and other OTF members wanted to kill, including T.B." (Id. at Count
5 One, ¶ B.1; see also Dkt. 105, Ex. 2 [Under Seal] at 12-13, 18-19
6 (describing bounties).)

7 2. Defendant's Deadly Rivalry with T.B.

8 As alleged in the SSI, in November 2020, D.B., a high-ranking
9 OTF member and close friend of defendant, was murdered following a
10 physical altercation with T.B. at a nightclub in Atlanta, Georgia.
11 (SSI at Introductory Allegation ¶ 3.) After the murder, defendant
12 made clear, in coded language, that he would pay a bounty to anyone
13 who took part in killing T.B. for his role in D.B.'s murder. (Id.)

14 On August 18, 2022, defendant and his co-conspirators learned
15 that T.B. was in Los Angeles. (Id. at Count One, Overt Act 2.) In
16 response, defendant allegedly orchestrated and financed his
17 co-conspirators' travel to Los Angeles to kill T.B. (Id. at Overt
18 Acts 3-7). Indeed, around the time that a Chicago-based
19 co-conspirator booked flights for five of the hitmen to travel from
20 Chicago to California for the murder, defendant attempted to conceal
21 his involvement by telling the co-conspirator, "Don't book no flights
22 under no names involved wit me." (Id. at Overt Act 6.) As those
23 five co-conspirators traveled to Los Angeles, defendant and another
24 co-conspirator traveled on a private jet to the Los Angeles area.
25 (Id. at Overt Act 3.)

26 After arriving in Los Angeles, defendant's co-conspirators used
27 two cars to track, stalk, and kill T.B., as T.B. drove around Los
28 Angeles with his entourage, including S.R. (Id. at Overt Acts 15-

22). After hours of stalking T.B. and his companions, three of defendant's co-conspirators cornered T.B. at a crowded gas station on the afternoon of August 19. (Id. at Overt Act 23). There, the co-conspirators ambushed T.B.'s vehicle and fired multiple rounds towards T.B.'s car, striking and killing S.R. (Id.) Later that afternoon, five of defendant's co-conspirators flew back to Chicago. (Id. at Overt Act 27.)

3. Defendant's Attempt to Flee the Country After His Co-Conspirators Were Arrested

In the early hours of October 24, 2024, federal and local law enforcement executed multiple search warrants at locations associated with members of OTF in the Chicago area and arrested five charged co-conspirators. (See Criminal Complaint² at 4.) Soon after law enforcement executed the warrants, the FBI learned that defendant had been booked on three international flights, including at least one to a non-extradition country. Defendant skipped the first two flights, and was arrested when he showed up to board a private jet scheduled to leave the United States a short time later. (Id. at 9-10.)

B. Defendant is Twice Ordered Detained Pending Trial

Following a detention hearing in December 2024, the Hon. Patricia Donahue, United States Magistrate Judge, ordered defendant detained based on flight risk and ongoing danger. The court reasoned that no conditions of release would reasonably assure the safety of the community, finding that defendant "uses his money, influence and power to endanger individuals whom he perceives as a threat." (Dkt.

² At the time, defendant was not yet charged in this case. The Criminal Complaint charging defendant Banks was subsequently filed in Case No. 2:24-MJ-065, which has since been merged into the criminal case.

1 116 at 4.) The court also found that defendant was a flight risk
2 based on his attempt to flee the country immediately after learning
3 of his co-conspirators' arrests. (Id.; see also Dkt. 1 [Complaint]
4 at 9-10 (describing that, within hours of law enforcement arresting
5 his co-conspirators, defendant was booked on three international
6 flights, including at least one destined to a non-extradition
7 country).)

8 Following a hearing in May 2025 on defendant's application for
9 reconsideration of the order, Judge Donahue denied defendant's
10 application and maintained the court's order of detention. (Dkt.
11 163.) The court reaffirmed its reasoning that the allegations
12 against defendant "continue to support the conclusion that Defendant
13 uses his money, influence and power to endanger individuals whom he
14 perceives as a threat." (Id. at 4.)

15 The court also rejected defendant's proposed bond package ---
16 including supervision by a third-party security company funded by
17 defendant --- reasoning that defendant remains a danger and a flight
18 risk. (Id. at 4-5.) As the court explained, defendant "attempted to
19 leave the United States upon learning of the arrest of his
20 co-conspirators in this case," and "has the means and influence to
21 circumvent private security and not appear in court as required."
22 (Id. at 5.) Indeed, the court found that defendant has already
23 demonstrated he cannot abide by even the most-basic conditions
24 imposed upon him, as he has "repeatedly used at least 13 other inmate
25 phone accounts to make phone calls from MDC and continues to violate
26 BOP's prohibition of engaging in three-way calls." (Id.)

1 **III. ARGUMENT**

2 **A. Defendant is Presumed to Be a Flight Risk and Danger**

3 Although review of the magistrate court's detention order is de
4 novo, this Court "is not required to start over . . . and proceed as
5 if the magistrate's decision and findings did not exist." United
6 States v. Koenig, 912 F.2d 1190, 1192-93 (9th Cir. 1990). Here,
7 Judge Donahue's thorough detention orders provide a straightforward
8 roadmap and analysis why defendant should be detained pending trial.

9 A defendant must be detained pending trial where "no condition
10 or combination of conditions will reasonably assure the appearance of
11 the person as required and the safety of any other person and the
12 community." 18 U.S.C. § 3142(e)(1). Detention is thus appropriate
13 for a defendant who is either a danger to the community or a flight
14 risk. United States v. Motamedi, 767 F.2d 1403, 1406 (9th Cir.
15 1985).

16 "[T]he Bail Reform Act mandates an individualized evaluation
17 guided by the factors articulated in § 3142(g)." United States v.
18 Diaz-Hernandez, 943 F.3d 1196, 1199 (9th Cir. 2019). Those factors
19 are:

20 (1) the nature and circumstances of the offense charged,
21 including whether the offense is a crime of violence;

22 (2) the weight of the evidence against the defendant;

23 (3) the defendant's character, physical and mental condition,
24 family and community ties, past conduct, history relating to
drug or alcohol abuse, criminal history; and

25 (4) the nature and seriousness of the danger to any person or to
26 the community that would be posed by the defendant's release. 18
U.S.C. § 3142(g).

1 United States v. Winsor, 785 F.2d 755, 757 (9th Cir. 1986) (per
2 curiam) (citation omitted).

3 In cases involving certain violent offenses, including the
4 firearms count set forth in Count Four, the Bail Reform Act
5 established a presumption that a defendant is both a flight risk and
6 a danger to the community. 18 U.S.C. § 3142(e)(3)(B). Once the
7 presumption is triggered, the defendant has the burden of producing
8 or proffering evidence to rebut the presumption. United States v.
9 Hare, 873 F.2d 796, 798 (5th Cir. 1989); United States v. King, 849
10 F.2d 485, 488 (11th Cir. 1988). Congress intended that the statutory
11 presumptions would have a practical effect. United States v. Jessup,
12 757 F.2d 378, 382 (1st Cir. 1985), abrogated on other grounds, United
13 States v. O'Brien, 895 F.2d 810 (1st Cir. 1990). The presumptions do
14 not disappear when a defendant meets his or her burden of producing
15 rebuttal evidence. United States v. Perez-Franco, 839 F.2d 867, 870
16 (1st Cir. 1986); United States v. Dominguez, 783 F.2d 702, 707 (7th
17 Cir. 1986); United States v. Ward, 63 F.Supp.2d 1203, 1209 (C.D. Cal.
18 1999); United States v. Clark, 791 F. Supp. 259, 260 (E.D.W.A. 1992).
19 The presumptions remain in the case as evidentiary findings
20 militating against release, to be weighed along with other evidence
21 relevant to the factors listed in § 3142(g). Dominguez, 783 F.2d at
22 707.

23 **B. Defendant's Murder and Firearms Charges Justify Pretrial**
24 **Detention**

25 Defendant's offenses are calculated, brazen, and deadly. He
26 caused six hitmen to travel to Los Angeles to commit an
27 execution-style murder in broad daylight. Defendant allegedly
28 financed the murder plot and offered to reward the killers by paying

1 a bounty for the murder of his rival. As discussed above, this
2 bounty was not an aberration or isolated event; it was defendant's
3 modus operandi. (See, e.g., SSI at Count One, ¶ B.1; Ex. 1 at 12
4 (defendant "offer[ed] money for people to kill those responsible for
5 his brother's murder, and more specifically, offering to pay money
6 for any Gangster Disciple that is killed."); Ex. 2 [Under Seal] at
7 12-13 (describing bounties).)

8 As Judge Donahue reasoned in finding defendant a danger to the
9 community, defendant used his power, influence, and vast resources to
10 promote and perpetuate violence. The SSI's allegations, taken
11 together with defendant's conduct in this case and in others, warrant
12 his continued detention in this case. See United States v.
13 Liebowitz, 669 F. App'x 603, 604 (2d Cir. 2016) (affirming detention
14 order even though murder-for-hire defendant "had never previously
15 been charged with a violent crime" because the "record contains
16 compelling evidence of [defendant]'s participation in the charged
17 crimes and his knowledge and acquiescence in the use of violence to
18 commit them" which "admits a clear and compelling finding that he
19 posed a threat of future harm"); United States v. Barone, 387 F.
20 App'x 88, 89-90 (2d Cir. 2010) (affirming detention order for
21 defendant whose danger to the community "was clearly and convincingly
22 evidenced by . . . his readiness to commit the charged murder-for-
23 hire").

24 Moreover, defendant faces a lengthy prison sentence ---
25 mandatory life imprisonment. The severity of the potential penalty
26 underscores his risk of non-appearance and the threat of danger he
27 poses to those persons involved in his prosecution. See Liebowitz,
28 669 F. App'x at 605 ("The lengthy jail sentence that could be imposed

1 for the charged crimes provides an incentive to flee."); see also
2 United States v. Brennerman, 705 F. App'x 13, 15 (2d Cir. 2017)
3 (affirming denial of bail based on risk of non-appearance where
4 defendant facing fraud charges that exposed him to a "range of 57 to
5 71 months' imprisonment"). As noted above, even before defendant was
6 charged in this case, he booked international flights and attempted
7 to leave the country on the same day that his co-conspirators were
8 arrested. See Liebowitz, 669 F. App'x at 605 (affirming risk of
9 flight finding where "the record shows [defendant's] access to
10 substantial resources to finance flight"). No amount of money --- or
11 conditions of release --- will adequately protect the community or
12 prevent the defendant from fleeing prosecution.

13 **C. Defendant's Proposed Bond Package Does Not Mitigate His**
14 **Flight Risk or the Danger to the Community**

15 Defendant's proposed bail resources do not mitigate his danger
16 to the community or sufficiently reduce his risk of flight. His
17 funding and orchestration of the murder conspiracy shows that his
18 proposed bail resources are woefully inadequate to mitigate the
19 danger he poses. See United States v. Hir, 517 F.3d 1081, 1092 (9th
20 Cir. 2008) (affirming district court's denial of proposed \$600,000
21 secured bail package based on risk defendant posed to the community).
22 This is especially true given defendant's proposal to entrust a
23 private security company, *funded by defendant*, to supervise him
24 outside of custody. (See Dkt. 163 at 5 ("The Court is not persuaded
25 that supervision by a third party security company paid by Defendant
26 addressed either the dangerousness or the serious risk of flight.")
27 These proposed restrictions all suffer from the "critical flaw" in
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1 that "they depend on [defendant]'s good faith compliance" in order to
2 be effective. Hir, 517 F.3d at 1092.

3 The allegations against defendant and his conduct to date
4 demonstrate that the safety risk to the community and witnesses is
5 too palpable to justify defendant's release. Indeed, defendant has
6 already shown he will not abide by even simple conditions imposed
7 upon him in custody, as he has "repeatedly used at least 13 other
8 inmate phone accounts to make phone calls from MDC and continues to
9 violate BOP's prohibition of engaging in three-way calls." (See Dkt.
10 163 at 5.) His actions in an already-restrictive condition of
11 confinement show that there is a potent risk that he cannot and will
12 not abide by bond conditions on his own accord, outside the purview
13 of the USMS and BOP.

14 **IV. CONCLUSION**

15 Defendant's release would pose a grave risk to the safety of the
16 public, and witnesses and potential witnesses in this case.
17 Defendant has already shown he is willing to use his power and
18 resources to pursue violence. No condition or combination of
19 conditions can ensure defendant's appearance or mitigate his danger
20 to the community. The Court should order defendant detained.
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